

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**

IN RE: PREMIERA BLUE CROSS  
CUSTOMER DATA SECURITY BREACH  
LITIGATION

---

Case No. 3:15-md-2633-SI

**ORDER RE: LEADERSHIP  
STRUCTURE AND  
RESPONSIBILITIES OF  
PLAINTIFFS' COUNSEL**

This Document Relates to All Actions

The Court believes that it is prudent to define the authority, duties, and responsibilities of Lead Counsel and Plaintiff Liaison Counsel. The Court also wishes to set specific guidelines and rules for staffing, fees, expenses, and billing records. Nothing in this Order shall be interpreted to affect any proceedings other than those involving the authorities, duties, responsibilities, guidelines, and rules of and for plaintiffs' counsel, as discussed herein.

**I. AUTHORITY, DUTIES, AND RESPONSIBILITIES OF PLAINTIFFS' COUNSEL**

The specific duties to be undertaken by designated counsel are as follows:

**A. Lead Counsel**

In the Order dated August 7, 2015 (Case No. 15-md-2633, Docket No. 35), the Court appointed Christopher I. Brain, Kim D. Stephens, Chase C. Alvord, and Jason T. Dennett of Tousley Brain Stephens PLLC as Plaintiffs' Interim Lead Counsel ("Lead Counsel") for a one-year renewable term pursuant to Fed.R.Civ.P. 23(g).

Lead Counsel will be responsible for prosecuting any potential class and common benefit claims, as well as coordinating the pretrial proceedings conducted by counsel for the individual Plaintiffs. With respect to the class and common benefit claims and coordinated pretrial proceedings, Lead Counsel shall, in consultation with the executive committee:

- (1) Determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of the Plaintiffs on matters arising during the coordinated pretrial proceedings;

- (2) Coordinate the initiation and conduct of discovery on behalf of the Plaintiffs consistent with the requirements of Fed. R. Civ. P. 26, including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions, except that discovery and motions initiated by the Defendants directed to or regarding named individual Plaintiffs will be handled in consultation with the attorney(s) for those individuals;
- (3) Delegate specific tasks to other counsel in a manner to avoid duplicative efforts and ensure that pretrial preparation for the Plaintiffs is conducted effectively, efficiently, and economically;
- (4) Enter into stipulations with opposing counsel necessary for the conduct of the multi-district litigation (“MDL”);
- (5) Convene meetings of Plaintiffs’ Counsel as necessary for the purpose of proposing joint action and discussing and resolving matters of common concern;
- (6) Organize and agree on a plan for conducting the MDL on behalf of all Plaintiffs;
- (7) Assess and collect from counsel performing authorized common benefit work common benefit payments into a Common Benefit “Shared Cost” Fund (“shared cost” being defined below), in amounts and at times Lead Counsel determines to be necessary and appropriate, collect payments, maintain an account, pay generic expenses in accordance with this order, and account to the Court upon request as to the collection and use of such funds;
- (8) Brief and argue motions for the Plaintiffs and file opposing briefs and argue motions and proceedings initiated by other parties (except as to matters specifically directed to individual Plaintiffs and their counsel);
- (9) Consult with and employ expert witnesses;
- (10) maintain and collect time and expense records for work performed, costs incurred and other disbursements made for any potential common benefit claim, proof of potential common benefit claims, and related matters, and report monthly, in writing, to the Court;
- (11) Monitor and obtain regular reports of work performed by counsel whose work Lead Counsel has specifically authorized;
- (12) Perform all tasks necessary to carry out the functions of Lead Counsel and to properly coordinate Plaintiffs’ pretrial activities;
- (13) Form task-specific subcommittees of counsel as appropriate;

- (14) Authorize Plaintiffs' counsel to initiate case-specific motions and discovery;
- (15) Designate Plaintiffs' counsel authorized to attend hearings and depositions;
- (16) Negotiate settlements on behalf of Plaintiffs;
- (17) If there is a settlement, propose a claims protocol and/or plan of allocation;
- (18) Prepare and distribute to Plaintiffs' counsel periodic status reports; and
- (19) Coordinate and communicate with Defendants' counsel with respect to the matters addressed in this paragraph.

No generic discovery or other common action or work in this litigation will be undertaken on behalf of Plaintiffs except at the direction or with permission of Lead Counsel; provided, however, that any attorney aggrieved by any refusal of permission may seek Court review of the refusal.

**B. Executive Leadership Committee**

Along with Kim D. Stephens of Tousley Brain Stephens PLLC on behalf of Lead Counsel, the following individuals and firms shall comprise the Plaintiffs' Executive Leadership Committee:

Ari J. Scharg  
**EDELSON PC**  
350 North LaSalle Street, Suite 1300  
Chicago, Illinois 60654

Tina Wolfson  
**AHDOOT AND WOLFSON, PC**  
1016 Palm Avenue  
West Hollywood, California 90069

James J. Pizzirusso  
**HAUSFELD LLP**  
1700 K Street NW, Suite 650  
Washington, DC 20006

The Executive Committee shall advise, assist and execute the directions of Lead Counsel in the efficient prosecution of this action. The Executive Committee shall help staff

and provide for the fulfillment of the responsibilities of Lead Counsel listed above through appointment, supervision and delegation to their respective firms, Liaison Counsel, and when needed, to specific plaintiff firms with demonstrated knowledge and specialized expertise in order to prosecute this action efficiently.

**C. Plaintiffs' Liaison Counsel**

In the Order dated August 7, 2015, the Court appointed Keith S. Dubanevich, Steve D. Larson, and Mark A. Friel of Stoll Stoll Berne Lokting & Shlachter P.C. as Plaintiffs' Interim Liaison Counsel, ("Liaison Counsel"). Liaison Counsel shall:

- (1) Maintain an up-to-date service list of all Plaintiffs' attorneys involved in this MDL, and promptly advising the Court and Defendant's counsel of changes thereto;
- (2) Together with Lead Counsel, gather and submit to the Court on a monthly basis *ex parte* and *in camera* reports of time billed in the joint prosecution of this action.
- (3) Ensure that all Orders entered by this Court and all papers filed by the Defendants are timely distributed to all Plaintiffs' counsel in the MDL, to the extent such documents are not electronically filed;
- (4) Receive and distribute to Plaintiffs' counsel, as appropriate, discovery, pleadings correspondence, and other documents from Defendant's counsel that are not electronically filed;
- (5) Work with Lead Counsel in scheduling leadership meetings, keeping minutes of these meetings, appearing at Court-noticed status conferences, and performing other necessary administrative or logistic functions for the effective and efficient functioning of the MDL;
- (6) Assume substantive responsibility for law and motions, and undertake other duties delegated by Lead Counsel; and
- (7) Advise Lead Counsel and attend Executive Leadership committee meetings.

Dated: 10/6/2015

Respectfully submitted,

**TOUSLEY BRAIN STEPHENS PLLC**

By: s/ Kim D. Stephens  
Kim D. Stephens, OSB No. 030635  
Christopher I. Brain, admitted *pro hac vice*  
Chase C. Alvord, OSB No. 070590  
Jason T. Dennett, admitted *pro hac vice*  
1700 Seventh Avenue, Suite 2200  
Seattle, WA 98101  
Tel: (206) 682-5600  
Fax: (206) 682-2992  
Email: [cbrain@tousley.com](mailto:cbrain@tousley.com)  
[kstephens@tousley.com](mailto:kstephens@tousley.com)  
[calvord@tousley.com](mailto:calvord@tousley.com)  
[jdennett@tousley.com](mailto:jdennett@tousley.com)

*Interim Lead Plaintiffs' Counsel*

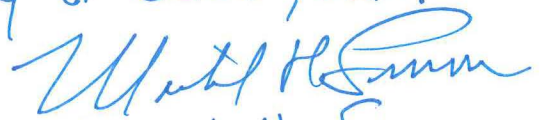
**STOLL STOLL BERNE LOKTING & SHLACHTER P.C.**

By: s/ Keith S. Dubanevich  
Keith S. Dubanevich, OSB No. 975200  
Steve D. Larson, OSB No. 863540  
Mark A. Friel, OSB No. 002592  
209 SW Oak Street, Suite 500  
Portland, OR 97204  
Tel: (503) 227-1600  
Fax: (503) 227-6840  
Email: [kdubanevich@stollberne.com](mailto:kdubanevich@stollberne.com)  
[slarson@stollberne.com](mailto:slarson@stollberne.com)  
[mfriel@stollberne.com](mailto:mfriel@stollberne.com)

*Interim Liaison Plaintiffs' Counsel*

IT IS SO ORDERED.

Dated this 6<sup>th</sup> day of October, 2015.

  
Michael H. Simon  
U.S. District Judge